IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14713 of 2007

DATED: 12.7.2007

Between:

S.Satyanarayana & another petitioners

And

The A.P.Central Power Distribution Co Ltd
Rep by its Chairman & Managing Director,
Vidyut Soudha, Khairtabad, Hyderabad & ors Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.NO. 14713 OF 2007

order:

The petitioners claim that they worked as contract labour with the respondents-APCPDCL and completed five years service and are entitled to regularization and allege that their cases were not considered for appointment to the post of Junior Linemen on contract basis and they were discriminated.

The relief of appointment/regularization claimed by the petitioners in the present writ petition, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**[1], cannot be granted. In the said judgment, the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose determination will be amenable to judicial review.

In the circumstances, following the aforesaid judgment and for the reasons mentioned therein, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioners are at liberty to approach the labour authorities

under the Industrial Disputes Act, 1947 for the relief of appointment/regularization of their services with the respondents-APCPDCL.

Accordingly, the writ petitions are disposed of. No costs.

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N.V. RAMANA, J.

Dated: 12.07.2007

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[1] 2001 (6) ALD 1